

[L. & M.
8,000-15-6-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1519 M

DATED 29-8-98.

DESPATCHED

INDEXED.

[Despatch Abstract.]

Suit

Recording with remark, letter from the
Distt Magistrate, Anantapur, submitting copy
of L.O. No 1129 G.D. of 19th July 1895, requesting
the Distt Magistrate to present an appeal against
the judgment of acquittal in C.C. No 7,49
and 50 of 1895 on the file of the Stationary
Sub-Magistrate of Anantapur.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

BACK PAPERS.

Date	Department	No.	G.O.

Local & Munl. (189) Department.

CURRENT No. 2613 M.

FURTHER PAPERS.

Date	Department	No.	G.O.

From The District Magistrate

Anantapur

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mise
Order

N. 1519 mis. 29/8/98

Recorded with the

No.

remark that this communication
should have been sent to
Madras and not to Coimbatore -
Camund.

Dated 26. 7. 98

Received 4. 8. 98

Registered

Enclosures

Spare copies.

KA
23/8/98

26/8/98

SUBJECT.

Subm. Copy of fo. No. 1129 J. D
of 19-7-98 reg. the Court Pleader
to present an appeal against
the judgment of acquittal
in C.R. No. 4749 + 50 of 98
on the file of the Stationary
Sub-Magistrate of Anantapur

To

The District Magistrate.
Anantapur

23/8/98

BACK PAPERS.

G.O.	No.	Department.	Date.
10	1129	Just	19-7-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Judicial Department

Proceedings of the Madras Government
 LOCAL & MUNICIPAL
 CURRENT 26/12/98
 Read the following papers—

From the District Magistrate, Anantapur, Reference on N^o 380 of 98. Dated 20th June 1898.

From the Government Pleader, Madras, N^o 489 dated 15th July 1898:—

With reference to your memorandum N^o 1451 of the 1st Instant, I have the honour to submit the following:—

Opinion

1. Section 168 authorises the Municipal Council to alter or remove any projection or obstruction made in front of any building or land in any Public Street.
2. Section 210 gives the Municipal Council absolute power to deal with all sewers and drains vested in the Municipality.
3. Section 211 prohibits any person from obstructing or in any way interfering with any public drain or sewer, whether the same passes through Public or Private ground, without the written permission

the Council.

Section 212 prohibits any building being erected over any sewer or drain vested in the Municipality without the written permission of the Municipal Council.

Section 263 provides a penalty for doing any act where a license or written permission is a prerequisite without such license or permission.

Section 264 provides a penalty for failing to comply with a notice to refrain from doing any thing.

The Sub Magistrate has found that the accused without permission from the Municipal Council rebuilt a platform over a Municipal drain after it had been removed by the Municipality of which removal he had notice.

The accused has clearly committed an offence under Sections 211, 212 and 263.

The Sub Magistrate is wrong in applying Section 264, as Section 263 is the section applicable to the case.

It is not the disobedience to the notice that is the subject of the charge but failure to obtain a written permission of rebuilding the platform as required by

by Section 211 and 212, such failure is made punishable by Section 263.

I observe that Section 264 is the section mentioned in the Charge sheet, but the offence is said to be the rebuilding the platform over the side drains which was removed under Council's orders.

The Sub Magistrate ought to have observed that Section 263 was the proper section and acted accordingly as he had power to do.

I think an appeal in all the cases is likely to be successful.

Order:— No 1129. Dated 19th July 1898.

The Government Pleader will be requested to present an appeal to the High Court against the judgements of acquittal in C.C. No 4749 and 50 of 1898 on the file of the Stationary Sub Magistrate of Anantapur.

(True Extract)

(Signed)

For Chief Secretary

Copy submitted to the Secretary to Government L. & M. Department copy in continuation of this office letter reference on C. No 380 of 98. 27/26/98

Anantapur Dist. Magistrate's Office
Dated the 26th July 1898
District Magistrate
was 146
27/7/98

the Council

When given for copying

When copied

When examined

When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.

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